

Legislative Council.

On the 10th of October, by direction of the Governor, summonses were issued by the Colonial Secretary to the Members for a meeting to be held on the 13th instant.

At the same time in accordance with the Standing Orders of the Council notice was given that the Governor intended to move the first reading of a Marriage Bill drafts of which were enclosed:-

J. Thompson
Colonial Secretary

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Legislative Council,

Thursday - 13th October 1857

Present,
All the Members.

The Council met pursuant to summons
The Minutes of the last preceding meeting
were read and confirmed.

The Governor moved the Order of the Day for
the first reading of the Marriage bill.

Before proceeding to the reading the Standing
Order of the Council were on the Governor's
motion read, and then the Marriage bill
was read a first time.

No notices of amendment were given.

The Governor observed that an Ordinance to
regulate the repair of mutual fences between
neighbourhood - to provide for the trespass of
Animals on fenced land - and to amend
some provisions of the Summary Jurisdiction
Ordinance which could not be enforced without
retirement to the Colony was under consi-
deration and would probably be laid
on the table by him at their next meeting.

The Council then adjourned to Wednesday
the 21st instant.

J. P. Thompson
Colonial Secretary

Legislative Council

Wednesday - 21st October 1857

Present,
H.R. the Governor
Warrick Brooke Esq.

At 20 minutes past eleven, the Colonial Secretary in the absence of the Clerk reported to the Governor that there were not sufficient members to form a quorum and the meeting was adjourned.

J. W. H. H. H.
Colonial Secretary

Legislative Council

Saturday. 7th November 1857

Present
All the Members

The Council met pursuant to adjournment. The minutes of the meeting on the 13th ult^o having been read and confirmed, the Governor moved the order of the day for the second reading of the Marriage Bill - which was read and discussed clause by clause. Mr Brooke explaining the necessity of some verbal corrections he had made.

Mr Schedule & Mr Brooke moved the insertion of the following words -
 "To the minister who may be called on to perform a marriage under the Governor's license elsewhere than in Stanley for travelling expenses - For every mile distance from Stanley a sum of 3.6 -"
 Agreed to

Mr Brooke moved that the Ordinance as amended be engrossed and brought up for third reading, which was agreed to and ordered accordingly.

The Governor then laid on the table Drafts of an Ordinance to amend the Summary Jurisdiction Ordinance as far as relates to Cattle straying in Stanley and the law of mutual fences and an Ordinance to provide for the application of the Merchant Shipping Act of 1854 to the Colony, which

He requested the members to give their
consideration to an order that they
might be read a first time on Wednesday
the 11th instant to which day the
Council adjourned

J. Thompson
Colonial Secretary.

Legislative Council

Wednesday - 11th November 1857.

Present,
All the Members.

The Council met pursuant to adjournment. The minutes of the last preceding meeting were read and confirmed.

The Marriage Ordinance as proposed was brought up, and on Mr Brooke's motion read a third time, and being passed was signed.

The Governor then moved the Orders of the Day for the first reading of the Summary Jurisdiction Amendment Ordinance.

Mr Brooke explained the general principles which had guided him in framing this bill, the object of which was to remove several practical inconveniences which resulted from the present state of the Law & which in his experience as a Magistrate he found to produce litigation quarrels and sometimes crime. In reading the Ordinance the Governor gave notice of his intention to move an amendment to clause 3, in order to secure a definition of what a vicious animal was.

Mr Deane observed it would be necessary to leave the right to damages in case of cattle breaking over fences which they would sometimes do and to give a power to prohibit persons

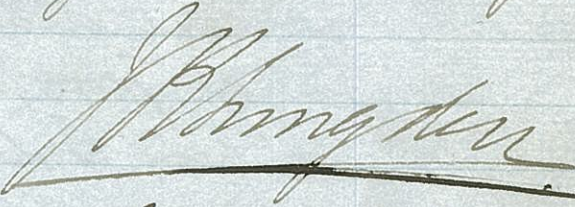
keeping cattle in the Town who were a
 nuisance to their neighbours
 After further discussion the Governor said
 that the second reading be deferred to Monday
 the 23rd instant in order to secure full
 time for discussion: - and Mr Burke gave
 the ~~Ordinance~~ notice of his intention to
 introduce a clause declaring the form
 of appeal from the decision of a single
 Justice in cassation 5 £.

The Ordinance to make provision for the
 application of the Merchant Shipping Act
 1854 within the Colony was then read.

In clause 1 Mr Burke said it would be
 necessary for him to propose some technical
 amendments.

In clause 2, the Governor said that the power
 given to the Police Court was so very extensive
 and the ~~extent~~ constitution of the Court so diffi-
 cult to the Naval Courts contemplated by
 the Act that he should move to defer the
 operation of the Clause until Her Majesty's
 Government could be communicated with.
 Mr Dean said that if the clause were enacted
 at all he should move that at least
 two naval officers or two masters of vessels
 should concur in any decision of the
 Court which had the effect of removing
 a shipmaster and appointing another
 person in his stead.

The second reading was fixed for Monday the
 23rd instant to which day the Council adjourned


 Colonial Secretary

Legislative Council

Monday - 30th November 1857

Present -
All the Members

The Council having been adjourned to meet the public convenience from Monday the 23rd assembled this day pursuant to Appointment.

The minutes of the last meeting having been read and confirmed,

The Governor moved the second reading of the Summary Jurisdiction Ordinance, which was read and discussed clause by clause.

In clause 3, the Governor moved that after the words "at large" be inserted the words "without any person being in charge thereof" Carried

Mr Deane moved that the word "of" be struck out, and "not exceeding" inserted after the word "fine". Carried

The Governor moved that the words "shall permit to be at large any Ox Cow horse mule or other animal that is mischievous or has caused reasonable alarm or damage: ^{to be omitted} and in lieu thereof be inserted a separate clause defining a mischievous animal and raising the penalty - as follows

"That it shall be lawful for any Justice
"on proof made to his satisfaction that
"any Bull Cow Horse or other animal
"is mischievous or causes reasonable alarm

"apprehension to order that such ani-
 "mal as aforesaid shall not be
 "permitted to be loose within the Town
 "of Stanley and the owner of any such
 "animal found loose after such or-
 "der shall have been ~~made~~ shall
 be liable to a penalty of ^{not exceeding} 5 £. Carried.

On clause 4 relating to Mutual
 Fines a discussion arose as to the right
 of appeal, and it was agreed that
 Mr Brooke should prepare and bring
 in a declaratory clause of the right
 of appeal to the Magistrate's Court where
 the cost of the fine ordered would a-
 mount to 5 £, and Mr Brooke was
 requested accordingly.

On clause 5 Mr Dean suggested
 that much hardship might arise
 from compelling the occupier to repair
 fences and suggested that the landlord
 should be made responsible, but after
 some discussion the clause was affirmed
 in its original shape.

In clause 6 the words "and description"
 were inserted after the word "name" and the
 words "its tonnage" omitted on Mr Dean's
 motion.

The Grammar moved to strike out the
 word "before" and substitute the words
 "either before or within forty eight hours
 "after" before the words "the sailing of such vessel"
 Carried.

In clause 7 Mr Dean moved to insert
 "by himself or his agent" after the words
 "who shall not." Carried

The further consideration of the

Ordinance on the second reading was then adjourned to Monday next, in order that the clause to be proposed by Mr Brooke may be added and the clauses numbered as required. —

The Council then proceeded to the second reading of the Ordinance to provide for the application of the Merchant Shipping Act.

Clause 2, giving to the Police Court the powers of a naval Court, being read the Governor moved that it be struck out; since the Police Court was entirely different in its constitution to the naval Courts, and the power of superseding a master was one which could not be lightly granted.

Mr Deane said that he thought it necessary that should be such a power in the colony, the want of which he had seen the inconvenience of, but as he had given notice before he thought some naval officers or shipmasters should be associated with the Court as in the case of Courts held by consuls. —

Mr Brooke observed that the powers of a naval Court were confined to Foreign territories the Vice Admiralty Courts in British possessions having the requisite jurisdiction and moved for copies of any correspondence with Her Majesty's Government on the subject of the organization of a vice admiralty court or the steps to be taken in regard to the removal of a shipmaster from his position. Agreed to

The papers were ordered accordingly. -
The discussion on clause 2 was then
adjourned.

Clause 4 was amended on Mr. [Name] motion
by inserting the words "committed
within the Falkland Islands" after the
words "any such offence".

The Council then adjourned to Monday
the 7th of December 1857.

J. Wherry
Colonial Secretary

Legislative Council

Monday - 7th December 1857

Present,
All the Members.

The Council met pursuant to adjournment

The minutes of the last preceding meeting were read and confirmed. Mr. Forster laid on the table the clause he had prepared in pursuance of the resolution of the Council giving the right of appeal in cases where any Justice had made an order for the repair of a municipal fence which would exceed five pounds - which clause was inserted as clause 5.

Mr. Forster in bringing under the consideration of the Council the case of persons having nothing to detain upon stated that he should wish to consult the wishes of the Colonists on the subject and moved that the further consideration of the bill be postponed - the attention of the Council being drawn to the fact that for the last 3 weeks the Public had been invited by special public notice to examine and express their opinion on the bill, the Governor said that he did not see any further delay would be productive of benefit, and Mr. Dean

agreeing, Mr Brooke withdrew his motion and the Governor moved that the bill be read a third time. The bill was accordingly read and passed. The Council then proceeded with the order of the day for the adjourned discussion of the Merchant Shipping Bill clause 2.

The Colonial Secretary laid on the table the Returns to Mr Brooke's motion for correspondence on the organization of the Vice Admiralty Court, which was read, after which the Governor moved that clause 2 be struck out. Agreed to.

Mr Brooke moved that in clause 1 be inserted the words "holden before the Chairman and two Justices" after the words "the Police Court."

Mr Dean said he thought cases would often occur in which it would be unnecessary to summon 2 justices, and that one besides the chairman would be quite enough to enquire into those cases in which the Court would only report and report and record a recommendation. He moved to Mr Brooke's amendment that the words "one or more" be substituted for word "two."

Mr Brooke's motion with Mr Dean's amendment on it was then put and carried.

The Ordinance as amended on the second reading was then read. In the preamble the words "naval courts" were

were omitted on the former's motion.
 In clause one, the words "within the
 jurisdiction of the Court" were omitted
 on Mr. Drake's motion.

On the motion of the former the Bill
 was ordered to be engrossed and brought
 up on Thursday the 10th instant for
 third reading and passing, and
 the Council adjourned to that day.

J. Whipple
 Colonial Secretary

Legislative Council

Thursday - 10th December 1857.

Present,
All the Members

The Council met pursuant to adjournment.
The minutes of the last preceding meeting were read and confirmed.
The Ordinance to provide for the application of the Merchant Shipping Act of 1854 within the Colony was brought up & proposed - and being on Mr. Buxton's motion read a third time - Professor moved that the Ordinance do pass which was agreed to and the Council adjourned.

Wm. G. Thompson
Colonial Secretary

The Minutes of the Council to this date were sent home in Gov. Moore's despatch N: 53, dated 15th December 1857.
Wm.